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## *“Community Justice”, Ancestral Rights, and Lynching in Rural Bolivia*

## Abstract

Lynching in Bolivia has been portrayed as a largely routinized and primarily urban occurrence that is a direct response to the state's inability to provide security. Using a recent case of rural lynching as a starting point, I will evaluate the idea of rural Bolivian lynching in Indigenous communities as vigilantism. I contrast what little is known about rural lynching in Bolivia to the known pattern of urban lynching and ask if these are distinct phenomena. Finally, I discuss the idea of ancestral validation and the punishment rights implied by a western-style state sanctioning aspects of non-western justice. I ask, do our existing models for such extreme cases as fatal vigilantism exclude lynching in rural Indigenous Bolivian communities? At the heart of this discussion is how we define a cultural practice vs. how we define deviance in a multicultural society; how we nest authority structures and how we afford them legitimate rights to the use of force and other extreme control measures.

## Community Justice in Bolivia

Since the mid-1990s, anthropologists and sociologists have recorded an increase in incidents of *justicia comunitaria* (community justice) among the residents of Bolivia's marginalised Indigenous communities (e.g Goldstein 2003, 2004, 2012; Goldestein & Castro 2006). A general definition of *justicia comunitaria* has its foundation in the idea that community tribunals, acting in accordance with socially relevant definitions of societal norms, have the right to self-police and to mete out justice. It is cast as authentic, ancient, and inherently valid.

In the eyes of the state, this form of justice is considered to be for minor social infractions and low-level social disputes, a 'jurisdictional demarcation' that applies only to 'internal controversies within [Indigenous] communities' (Martinez, 2010, quoting Bolivian congressperson Norma Pierola). It is inevitably cast as Indigenous, rural, and non-western: unrelated to normal state justice. This conception of *justicia comunitaria* was included in Bolivia's 2009 constitution and is meant to be a step towards racial and cultural inclusion (Goldstein, 2012: 169). The state-level acceptance of this form of *justicia comunitaria* is tied to Bolivia's long and complicated history of cultural inequality maintenance and further development of structures of indigenous governance from the time of the Conquest.

Unlike in other parts of South America where mestizoization and forced hispanization were long-standing Spanish strategies for control, in Bolivia Indigenous communities were 'reduced' to planned villages but within those villages they were by and large allowed to retain their language, cultural traditions, leadership, and justice systems (Klein 2003: 34). The darker side of this arrangement included mandatory supplying of labor for Bolivia's harsh silver mines, significant taxation, undermining of land rights, and moving into the 20<sup>th</sup> century, a clear separation of indigenous Bolivians from all structures of the Bolivian state, despite the fact that Indigenous Bolivians did and perhaps still do form Bolivia's ethnic majority.

Through the 19<sup>th</sup> and 20<sup>th</sup> centuries, incorporation of indigenous people into Bolivia's public life became a point of concern and controversy within both white and indigenous communities. Indigenous people were blamed for the country's failures, and cast as the cause of 'backwardness' and poor development (Hylton & Sinclair 2007: 47–48), even through the nationalist political movements of the 1950s. This led to policies of forced cultural assimilation but no true integration (Rivera Cusicanqui 1987: 117). Indigenous Bolivians through schooling (unavailable to most Indigenous Bolivians until after the 1950s), forced land titling, use of Spanish language, and name changes were meant to act more white but were not meant to enter white society.

It was not until the social movements of the 1980s and subsequent electoral reforms, particularly the 1994 Law of Popular Participation, that Indigenous Bolivians had any reasonable chance of holding public office, and educational barriers have ensured that Indigenous Bolivians remain critically underrepresented within the justice system. It remains difficult to this day for indigenous Bolivians to open bank accounts, secure loans, access higher education, and navigate the justice system. And this is despite the presidency of Evo Morales (2006–time of writing), himself an indigenous coca grower and union leader who was forced to leave school at age 14.

Thus the continued presence of the idea of *justicia comunitaria* as a way to settle minor internal disputes within Bolivian indigenous communities is a practical replacement for a historically separate, unresponsive, and alien justice system built around tenants of social exclusion. It also represents a claim of autonomy and order amid generations of state-level assertions of indigenous backwardness. In this form, it is accepted by recent government as a decolonising policy which fits into a larger narrative of indigenous inclusion, autonomous governance, and cultural survival over hispanisation. That is until *justicia comunitaria* is fatal.

In popular Bolivian discussion and very much under aegis of ancestral justice, a second definition of *justicia comunitaria* is based on a specific act: the lynching of a criminal, usually an alleged thief. In Bolivia, this is defined by capturing the thief in the act, publicly beating them, binding them, stoning them, and immolating them, all as part of a large public crowd, although not all of these elements must occur for it to be considered a lynching. These lynchings have been documented as occurring in poor Indigenous communities, either in urban slum environments or in the rural highlands. Fatal punishment is portrayed as quick, brutal and routinised. Although lynchings can be called *linchamientos* or *ajusticiamientos*, in modern Bolivia simply using the term *justicia comunitaria* implies that a lynching has occurred or could occur.

The idea that *justicia comunitaria* inherently involves lynching is controversial. Those who defend the practice say that it forms part of the original justice system of pre-Conquest Bolivia and is an important element of ancient social control. To deny that the practice is ancient becomes a denial of indigenous Bolivians' right to define their own history, culture, and traditions; indeed to define their own reality; it is seen as white people trying to destroy or downgrade indigenous culture. Whatever evidence may exist for or against the practice of Bolivian lynching as being ancient is immaterial: indigenous Bolivians perceive it to be ancient and thus it is. This means that any government-level attempt at separating the practice of lynching from *justicia comunitaria* must walk a thin line between acceptable social reform and outright denial of indigenous cultural legitimacy.

Because of the connection between the term *justicia comunitaria* and lynching, the 2009 Bolivian Constitution favoured the phrase *justicia indígena originaria campesina*, original Indigenous peasant justice. This was meant to move away from the lynching connotations while still appearing inclusive and empowering of Indigenous communities. To retain the positive social gains from not interfering with low-level dispute resolutions and punishment of minor offences within indigenous communities, while not sanctioning capital punishment which is not allowed under Bolivian law. However, as will be discussed, many communities do not accept that *justicia comunitaria* excludes lynching as a possible punitive outcome.

### Confidence in Authority and Perceptions of Insecurity

*Justicia comunitaria*, in both the muted and the violent sense, assumes that the regular Bolivian justice system is either unavailable or is not the proper authority to appeal to. For the most part, state-level justice in Bolivia can be deemed unavailable to nearly everyone. There are only 764 judges and courts servicing Bolivia's population of 10.4 million people. In 2012, nearly half of Bolivia's municipalities did not have a judge, 77% did not have a prosecutor, and 97% did not have a public defender (Consejo de Derechos Humanos, 2012: 10; La Razón, 2012; Chávez, 2013). By the end of 2011 there were nearly 500,000 cases awaiting resolution as well as 653 open cases before Bolivian courts and tribunals (Consejo de Derechos Humanos, 2012: 11).

Bolivian confidence in the police is one of the lowest in Latin America.<sup>1</sup> Only 38.9% express confidence in their police force, on par with Mexico (39.9%), a country whose police force has one of the worst reputations in the world. Lowland Bolivia (which has the largest concentration of white Bolivians) has the highest confidence in the police, and highland Bolivia (which is largely Indigenous) has the lowest confidence in the police. When asked if the police ask for bribes, 20.0% reported that they did, the second highest figure for police corruption in the Americas after Mexico (20.5%) (Ciudadanía & LAPOP, 2012: 106). Indigenous Bolivians had the least confidence in the police (Ciudadanía & LAPOP, 2012: 106).

In 2008, less than 1% of Bolivians identified 'crime' as being the primary problem of the country. In 2012, that number increased to 12% (Ciudadanía & LAPOP, 2012: 135). In 2006, 17% of Bolivians reported being the victim of a crime; in 2012 that number grew to 28% (Ciudadanía & LAPOP, 2012: 136). Furthermore, 31% said that another person in their household had been the victim of a crime in the past year (Ciudadanía & LAPOP, 2012: 139). In 2012 44.8% of Bolivians reported that they felt insecure: on par with famously-insecure Haiti at 44.2% (Ciudadanía & LAPOP, 2012: 138).

When asked if the authorities captured criminals in accordance with the law, only 53% of Bolivians thought they did, the lowest confidence level in the Americas (Ciudadanía & LAPOP, 2012: 143). When it comes to resorting to

taking justice into their own hands, this study found that Indigenous Bolivians were far more likely than white or mestizo Bolivians to consider this an acceptable response to crime (Ciudadanía & LAPOP, 2012: 142).

Specifically in the case of lynchings, Bolivia's Ombudsman and former head of the Permanent Assembly on Human Rights of Bolivia, Rolando Villena has stated that 'the phenomenon of lynching has exceeded the ability of the state and corresponds, in most cases, to the deep crisis of the judicial system and if this is not resolved [the state] cannot answer the public demand for safety, security, and full justice' (Villena quoted in Villa, 2013a).

This leads to the question: if state-level justice performed better, would indigenous Bolivians continue to practice fatal lynchings. The general feeling both within Bolivia and by commentators on the outside is that it would, but significant study of the cultural attachments to the practice have not been conducted.

### Marginalisation and Spectacle

Most literature on the subject of Andean lynching cites the Weberian conception of 'the state': an entity with a monopoly on the legitimate use of physical force to maintain order in a specific territory. The extent of the legitimate force is, in essence, the extent of the state and statehood is predicated on the maintenance of this monopoly. Thus, if a community turns to lynching as the most valid form of justice, control and public order, they have usurped the state's monopoly on legitimate force. The next logical step in this construction is to assert that an entity that has lost control of the legitimate use of physical force to maintain order is a failed state.

Lynching is not uncommon in Bolivia. The newspaper La Razón has reported that between April and August of 2013, 35 people were lynched in Bolivia in 18 events which resulted in six deaths (Villa, 2013a). According to Juan Mollericona of Bolivia's National Observatory on Citizen Security the press has reported on over 150 lynching deaths and over 100 near lynchings between 2005 and 2012 (Mollericona quoted in Villa, 2013a). Goldstein and Castro counted 42 incidents: 'one every eight or nine days' in 2006 alone. They speculate that this is a low number as many lynchings are poorly reported (Goldstein and Castro, 2006: 394).

Researchers have tied these lynchings to state security failure among marginalised communities and they are characterised as a 'moral complaint against state inadequacy' (Goldstein 2003: 22) or communities rejecting 'their marginalization from the benefits promised by the modern democratic state, including security for persons and property' (Goldstein 2003: 24). In other words, lynching in Bolivia is a demand for inclusion (Goldstein 2003: 25).



Some researchers have focused on the performative aspect of lynching. Goldstein (2004) portrays lynching as a violent performance that publicises a community's perceived marginalisation. He compares the performance of lynching to community festivals: a display of identity, community affiliation and self-sufficiency. He describes 'community' as a political tool, an ideology used to foster change in the context of marginality and neglect from authorities (Goldstein 2004: 94), and claims that both lynching and public festivals are evidence of this tool being exercised. In later analysis, Goldstein and Castro (2006) argue that an increase in lynchings corresponds to media interest in the act. While the media tends to ignore the normal security issues in marginal communities, they aggressively cover lynchings (Goldstein and Castro 2006: 381), and '[l]ynch-mob participants... creatively exploit this coverage to advance their own agendas, using violence to publicise local conditions and to dramatize their own positions of vulnerability for the public imagination' (Goldstein and Castro, 2006: 382).

Further building on the idea of lynching as a public spectacle through which marginal communities make themselves visible to a state (and public), Risør (2010) documented the appearance of signs warning criminals of the possibility of lynching and of community-constructed effigies of lynching victims in the city of El Alto. She sees this as a move away from the idea of lynching as a violent act perpetrated by individuals, towards looking at the practice as collective self-defence (Risør, 2010: 466). The public display of anonymously produced signs and effigies, which Risør (2010: 468) sees as providing a 'spectral presence in the Derrida sense', projects the constant possibility and collective approval of lynching. This is reinforced by a community code of silence when the police attempt to investigate these occurrences.

#### The Community: Who are the Vecinos?

Lynch mobs are often referred to as *vecinos*, which translates to 'neighbours': a faceless entity (Risør, 2010: 467). Despite this outward affirmation of facelessness, the reality is that *vecinos* are usually poor members of marginal Indigenous communities who are, essentially, faceless to the state.

Responding to people who denounce lynching as savage, one of Goldstein's (2004: 186) informants explained that outsiders did not know what it was like to be as poor as them; did not know what it was like to not be able to pay for a doctor if they are sick. Community members tend to have very little and when what little they have is stolen they cannot easily recover from the theft.

*Vecinos* have almost no direct access to state institutions. For the most part, their access to the state is mediated through local committees, trade unions or other social organisations with varying degrees of responsiveness (Risør, 2010: 469). Opportunity for direct participation is minimal and, in particular, state responsiveness to perceived security threats felt by *vecinos* is minimal. Indeed, 'the poor [*vecinos*] themselves are often criminalised in public

discourse and in police practice, and experience heightened police violence, as states adopt more repressive and violent measures in the name of crime control' (Goldstein 2005: 397). Violence is part of the everyday life of marginalised Indigenous people, particularly in Bolivia's urban slums, which creates a 'profound sense of insecurity' (Goldstein 2005: 390).

The threat: who are the *malhechores*?

*Malhechores*, evildoers or criminals, are seen as subhuman, 'monstrous, fundamentally different than normal people' and there is a prevailing idea that they can be identified by their looks alone (Goldstein, 2012: 126). They are imagined as always observing, casing and looking for vulnerability and weakness (Goldstein, 2012: 127). In other words, they are felt to be a constant threat to property and public order that exists within community and individual consciousness and are a source of significant feelings of insecurity. Community outsiders, then, are scrutinised as possible *malhechores* and are approached as suspicious and community vigilance against and fear of possible *malhechores* is an important pre-requisite for lynchings.

One of the strongest narratives to come out of research into lynching in Bolivia is the idea of the criminal as an outsider. Peruvians, for example, are 'widely regarded in Bolivia as inherently criminal' and are thus blamed for much crime (Goldstein, 2012: 132). Thieves are conceived of as people who have no commitment to the community and as deserving of any punishment that the community decides upon (Goldstein 2003: 31). Despite this idea of the criminal as outsider, when it comes to social strata '[i]n most cases, both the victims and the perpetrators of lynching violence are of indigenous origin (Quechua and/or Aymara), and belong to the poorest, most marginal sectors of Bolivian society' (Goldstein 2005: 393).

The Lynching

Researchers (e.g. Goldstein 2005: 393; Goldstein and Castro, 2006: 395) have portrayed Bolivian lynchings as highly routinised; they almost appear to have a set, ritualised script. This idea of ritualised lynching is supported by Risør who describes them as 'planned events' where the possibility of a lynching has either been verbally decided upon in a community beforehand or exists in the minds of *vecinos* as a distinct possibility (Risør, 2010: 481). This is not to say that there is no debate during the lynching: Goldstein (2012: 148–149) has characterised the practice as occurring within an 'atmosphere of uncertainty' with 'deeply conflicted' participants.

Bolivian lynchings seem quick and severe when set against the slow pace of the formal justice system, but the formulaic process can take hours and can attract the participation of hundreds of people (Goldstein and Castro, 2006: 395). They begin when a community member catches an alleged *malhechore*, usually a petty thief, in the act and other community members are called in (Goldstein and Castro, 2006: 395). The *malhechore* becomes a *linchado* and is

stripped of their clothing, beaten and whipped, often while tied to some sort of pole, much like the lynching effigies seen in various Bolivian neighbourhoods (Risør, 2010: 481).

At the same time the accused 'are interrogated regarding their "true identity": Who are they? Why do they steal? Where are they from?' (Risør, 2010: 481). The answers to these questions rarely pacify the crowd and most *linchados* that survive the lynching process do so because of direct intervention from the police (Risør, 2010: 481). If there is no intervention, the *linchado* is usually doused with flammable liquid and burned.

### The Police

Communities that have committed lynchings commonly view the police as 'incapable of providing justice because they, too, are unjust' (Goldstein 2003: 31). Official interference during a lynching is seen as the police rescuing thieves from justice or criminal-cops getting their accomplices out of a jam (Goldstein 2003: 31). Goldstein (2003: 28) recounts a situation where *vecinos* threw rocks at police who were trying to intervene in a Cochabamba lynching. In 2012, on two unrelated occasions, police officers were themselves lynched in the city of El Alto while dressed in civilian clothes (one of the officers, a male, allegedly dressed as a woman) after they was mistaken for thieves and were unable to prove they were police officers (LAHT, 2012). In 2010, four police officers were lynched in the village of Uncia after being accused of blackmail and more extreme abuses. The community involved stated, directly, that they were employing *justicia comunitaria* against the officers (Martinez, 2010).

The reality of the situation is that 'reliable police protection or recourse to the law are simply non-existent' in the communities where lynching occurs (Goldstein 2005: 397). Informants have told researchers that police will not investigate crimes unless a bribe is offered and that crime victims are expected to pay the cost of investigations (Goldstein 2005: 400). Beyond the clear violation of public trust that such corruption presents, crime victims from poor communities are not likely to have the money to pay police bribes, rendering any sort of access to the police impossible. Goldstein (2005: 401) calls this 'double victimisation': the crime victim suffers first from the crime itself and second from either a forced bribe to law enforcement or being totally shut out of the justice system.

### Lynching Perceived

The public perception of lynching is intimately tied to Bolivia's history of turbulent race relations and to race-based class divisions. Goldstein (2004: 13) described the situation thus: 'The division of national space [in Bolivia] between the rural and the urban, light and shadow, modernity and primitiveness, is accompanied by a corresponding racial distribution that located people of purportedly European descent... in cities, with people of

indigenous origins... located in the countryside'. Lynching exists, then, in the rural shadows of the Indigenous countryside. The middle-class press casts it as primitive and barbaric (Goldstein 2005: 394), implying that those who engage in lynching are, themselves, backwards and brutal holdovers from a time before law and order. As previously discussed, Indigenous Bolivians have been cast in this role, as being against modernity and outside of normal systems.

This however is perceptions, not reality, part of the mythologizing of place and space within Bolivia's physical and cultural landscape. While it is true that rural highland Bolivia is almost exclusively Indigenous, Bolivia's cities, especially in the highlands, have large indigenous populations or indigenous majorities due to decades of economic migration. Indigenous culture is very much a part of the Bolivian urban experience where language, dress, and social customs are maintained and built upon. That said, the social scars of hundreds of years of enforced physical separation which cast progress and modernity as white and urban and backwardness and primitiveness as indigenous and rural are not easily erased.

#### Rural Lynching Case Study: Quila Quila (2012)<sup>2</sup>

Quila Quila is a very small village of fewer than 200 people located 40 km from the city of Sucre. It does not have a police presence and, at an altitude of about 3000m and located in rough terrain, it is difficult to reach. The villagers are poor Indigenous subsistence farmers who have had their hopes of tourism development raised and dashed (IAD n.d., Yates, 2014).<sup>3</sup> Recent editions of the popular Lonely Planet guidebook to Bolivia characterise Quila Quila as potentially dangerous to outsiders. Quila Quila is almost an archetype of failed rural Bolivian security.

On 6 March 2012, three male strangers were noticed in the village and, according to some reports, these strangers attended Sunday mass in Quila Quila's historic Conquest-era church. Villagers, concerned about the motivations of these outsiders, placed the church under surveillance.

That night, two of the strangers were allegedly caught exiting the church via a window. They were said to be in possession of valuable religious paintings and silver items stolen from inside. One of the men was said to have a gun in his pocket. The alleged thieves were taken into village custody on Monday morning. The lynching process began.

Somehow, on that day, authorities in Sucre were warned about the impending lynching, perhaps through the intervention of a priest. Police attempted to reach the village on Monday but a flooded river blocked access. Attempts to contact the community did not produce assurances of the alleged thieves' safety.

The police responders, who may have numbered up to 80 officers and officials at that point, attempted to access Quila Quila again on Tuesday starting at 4 am. They were able to reach the entrance to the village at 10:30 am but were met with a blockade of villagers. After several hours of negotiation, the police were allowed to enter the village only after they promised that no community members would be prosecuted via the state justice system and that the unaccounted for third stranger would be found. The villagers informed the authorities that the two alleged thieves had been judged by the community and killed.

The bodies of Severo Higuera Cruz of Potosí and Pablo Vilasaca Pallehuanca of La Paz were found buried behind the church that they were accused of buglaring. An autopsy showed that they had been handcuffed, beaten, stoned and had likely died of manual strangulation. The third alleged thief has not been identified and no member of the Quila Quila community has yet faced charges related to the lynching.

### Is this Vigilantism?

#### Some Definitions of Vigilantism

Is lynching in Bolivia a form of vigilante justice or does it represent a form of security response that, due to its non-western nature, is poorly defined via existent criminological terminology?

Defining vigilantism has been notoriously difficult. Shortland (1976) defined 'spontaneous vigilantism' as 'the act by a group of bystanders of not only apprehending a suspected wrongdoer but instantly meting out punishment and retribution which fall outside the normal justice process' stipulating that '[d]irect action against the wrongdoer is taken by the bystanders without consulting the police or other authorities. Such behaviour is not normatively accepted or sanctioned by legal institutions' (Shortland 1976: 20).

Weisburd (1988) ultimately defines much vigilante behaviour as citizens acting in lieu of regular justice and he supports the idea that it involves citizens taking the law into their own hands. He understands vigilantism as a form of 'criminal social control' and that vigilantes act as control agents for the larger communities. Expanding on these shorter definitions, Johnston (1996) identified six features of vigilante justice: 1) it involves planning and premeditation; 2) participants are private citizens; 3) it is a form of autonomous citizenship and is, thus, a social movement; 4) it involves the use of force; 5) it occurs when the established order is faced with transgression; 6) it aims to control crime by offering guarantees of security.

Kirschner (2011) does not equate vigilantism with 'popular mob justice'. She sees these acts as 'forms of control of criminality and violence that are collective and to a certain extent planned and institutionalized, and represent a response to perceived or real deficits in state security institutions in these areas'. They are not "firefly events," which lack any institutionalisation and which arise and disappear suddenly and unexpectedly'. This definition casts lynching as a collective, if gruesome, experience that is institutionalised and even consistent: an expected justice outcome. She states that 'vigilante groups can be conceptualised neither exclusively as mere state organs nor as opponents or a substitute for state failure' (Kirschner, 2011: 574) Her emphasis is on a dual but not an exclusive interplay between real deficits in state-level security institutions and culturally-applicable acts in support of conceptions of statehood and rights.

### Vigilantism and Lynching, an Urban/Rural Divide?

Most researchers who have conducted work on lynching in Bolivia have concluded that it is primarily a response to insecurity and state-level failure (e.g. Goldstein 2003, 2004, 2005, 2012; Mollericona quoted in Villa 2013a; Risør, 2010). They downplay the argument that lynching is an ancient and cultural practice and tie it more to various periods of state insecurity and the growth of Bolivian urban slums. They appear to see lynching as vigilantism and expect that a more secure Bolivia, with better justice institutions and effective policing, would result in a decrease or even an elimination of lynching. Yet with almost no exception, all research on Bolivian lynching has been focused on marginalised but urban communities, rather than rural communities. While rural communities have undoubtedly been influenced by the rise of urban slums, they experience local and state insecurity in different ways than city dwellers due in part to low population densities, dependence on subsistence-level agrarian activities, and physical distance from state-level authorities. Despite the popular conception that lynching is inherently 'rural' (Goldstein 2003: 29), rural Bolivian lynching is treated as nearly non-existent in the literature.

Lynching is, most certainly, an aspect of justice in many rural Bolivian communities. Furthermore, as with the case of Quila Quila and other recent cases of rural lynching, elements are observable that do not fit what has come to be defined as the normal pattern of lynching in Bolivia where a thief is caught in the act, beaten, forced to confess and immolated. Burial (and live burial), rather than immolation and public display, is present as a form of punishment, often in locations significant to the crime being committed (Aria Gutiérrez, 2012, *El Diario*, 2012a and *El Diario*, 2012b for Quila Quila; Associated Press, 2012 for a live burial committed by 200 community members during an alleged murder victim's funeral near Colquechaca; *La Razon* 2010 for the live burial of three brothers in Watallani by the extended family of an alleged murder victim in front of a crowd of community members). Poison and other forms of fatal punishment are also used (Villa

2013b for a poisoning followed by hanging in Sorata). Rural lynchings can be protracted events with formal hearings and alleged criminals can be killed long after crimes have been committed (Associated Press, 2012 for Colquechaca; Villa, 2013a for the trial and lynching of a 'witch'<sup>4</sup> after one of her potions allegedly caused a death). In other words, at least on the surface, rural and urban lynching look quite different from each other.

Rural Bolivian lynchings seem, in some cases, to be community events. Local and regional authorities (in the form of community and village leaders) may be consulted during the lynching process and may even participate. The author witnessed just such an event in 2004 while conducting fieldwork in a highland Bolivian village. A teenager from outside the village was apprehended, while allegedly buglarising a home, and was beaten then locked in a closet while the community decided what to do with him. The church bells were rung, the community gathered and lynching was weighed as an option. There had been several other lynchings in nearby towns that month but ultimately the national police were contacted. This 'near lynching', a term employed by Goldstein (2006: 393) to describe incidents in Bolivia where a lynching is considered or begun but not carried out to death, was far from spontaneous; rather, lynching was offered as one of a range of options that the community could have chosen based on the circumstances.

While it is clear that lynching in rural Bolivia is meant to be a form of social control (as are the actions of any policing force), the idea of *vecinos* being *individual* control agents does not conform to the aftermath of most Bolivian lynchings. Researchers and reporters note a code of silence exists following a lynching (e.g. Chávez, 2013 for Entre Ríos; Donoso, 2012 for Quila Quila; Melgarejo, 2013 for Volcán). More importantly, there is a firm assertion that no *individual* control agent acts on behalf of the community, rather that the entire community acts together to mete out what they believe is a culturally sanctioned response to a crime. In this sense, at least in their own conception of the lynching, *vecinos* have not necessarily taken the law into their own hands, rather they believe that it is their right to establish and enforce their law. Related to the code of silence are several incidents where rural communities have extracted signed guarantees that no state-level charges will be pressed against individuals that participated in a lynching before bodies are handed over to authorities. Such a guarantee was obtained from the family members of four police officers lynched in the village of Uncia in 2010 (Martinez, 2010), for the return of four near-lynching victims to police in Belén in 2013 (Mejia, 2013) and from the officials who controversially promised immunity to Quila Quila residents in 2012 (Donoso, 2012).

Is it possible that the more 'vigilante' urban Bolivian practice of lynching is only tangentially related to the rural practice that is more along the lines of capital punishment? At this point, rural Bolivian lynching is so very poorly understood that it is impossible to fully make that distinction. Yet elements of

what is known about cases of rural lynching deviate from key definitions of vigilantism towards what can, in some ways, be seen as a legitimate (and legitimised) authority issuing lethal punishment in accordance with societal norms.

This brings us back to the idea of *justicia indígena originaria campesina*: the now-constitutional right for an autonomous Indigenous community to police itself, to an extent, according to its own traditions and needs.

### Rural Lynching as 'Ancestral'

Lynching, especially in the rural highlands, seems to exist as a spectre of *justicia indígena originaria campesina*. Speaking in 2006, then Minister of Justice Casimira Rodríguez Romero stated that non-lethal community justice is 'ancestral justice'; that it 'is a tradition that comes from the ancestors' (Carpineta, 2006; Goldstein, 2012: 180). This practice, according to Cintia Irrazábal, secretary of the *justicia comunitaria* program at the Universidad Mayor de San Andrés, follows longstanding traditions for the punishment of 'minor crimes' (Irrazábal quoted in Chávez, 2013). She states that community leaders hear accusations of such crimes as theft of livestock or seeds and apply reparative sentences that usually involve manual labour. In the case of aggravated theft, she asserts, a perpetrator may be banished from the community but that this is the maximum penalty: the death penalty is banned.

It is the official position of the state justice system that '[l]ynching is murder, and it cannot be permitted under the concept of *justicia comunitaria*, because it has nothing to do with it; it is a summary execution that violates constitutional principles and due process' (Freddy Rorrico, departmental prosecutor for Cocabamba, quoted in Chávez, 2013).

Indeed, there have been some recent cases of the Bolivian government pressing charges against individual actors in rural lynchings, however even in these cases, one or two people tend to be charged for a collective act that involved up to several hundred people (e.g. Associated Press, 2013 for two people charged out of an alleged 200 lynching participants in Colquechaca). There has been no case of an entire Bolivian community being charged with lynching as a crime. It is unclear if that is even possible.

Anecdotal accounts indicate that some members of rural communities feel it is their prerogative to mete out lethal punishment if they feel it conforms to their system of ancestral rights and justice. Corporal punishment, usually in the form of whipping, is accepted within government sanctioned *justicia indígena originaria campesina* (for example see Carpineta, 2006). As the central government transfers this level of control over to communities (or, alternatively, acknowledges that those communities have always had a right to such things), communities may feel it is also their right to decide if an



accused criminal lives or dies. Thus a lynching, as seen in 2012 at Quila Quila, appears to exist in ancient time and space, much like the government conception of non-lethal community justice.

If in modern Bolivia *justicia indígena originaria campesina* is accepted as ancestral, culturally appropriate and constitutionally sanctioned, are not the punitive results of this justice system sanctioned as well? It can be argued that the constitutional establishment of *justicia comunitaria* as a sanctioned legal institution in Bolivia based on ancestral validation pre-approves the punishments that communities deem to be 'ancestral'.

For those that accept a theory of retributive justice based on proportionate response to crime, capital punishment meted out without a 'fair trial' for what is considered in Western contexts to be minor crimes seem grossly out of proportion. Indeed, to western eyes, this seemingly cold and violent brutality confirms the applicability of uncivilizing and demeaning terms, and their underlying social oppressions, that have been applied to Indigenous Bolivians by whites: barbarism, primitivism, savagery. In this construction, the only way to escape such darkness is to give up ancient uncivilised ways, to modernize and accept an applied Western justice system, where the still-present race-based violence is often subtle and systematic. It is from resistance to this denial of Indigenous modernity and this forced assimilation into Western cultural constructions that we find a persistent defence for *justicia indígena originaria campesina* generally and, at times an acceptance of fatal *justicia comunitaria*.

Perhaps it is worth considering key passages from the Manifesto of Tiwanaku, a foundational document produced in 1973 by an influential indigenous ideological movement. The Manifesto powerfully states "We want an end to state paternalism [...] we are foreigners in our own country" and that "there has not been an integration of cultures in Bolivia, but a superimposition and domination" The authors also assert that "neither our virtues nor our own view of the world and of life have been respected [...] our culture has not been respected and our mentality has not been understood" and that "the systematic attempt to destroy [indigenous] cultures is the source of the nation's frustrations" (translations from Rivera Cusicanqui 1987). Many indigenous Bolivians actively reject the belief that indigenous culture and lifeways are the source of the country's failures, maintaining that denial of the Indigenous world view in favour of Western structures is the problem. Defending that which can be seen as "authentic" and "ancestral", then, is tantamount to asserting social dignity and cultural validity.

## Concluding Thoughts

What emerges from this discussion of lynching, insecurity, vigilantism and ancestral justice is a realisation that we know very little about the mechanisms and motivations behind lynchings in Bolivia's poor, rural and Indigenous communities. This gap in our knowledge is associated with the primary reasons that such lynchings are even possible: the remote, exclusive, autonomous nature of these communities. Some of the logistical impediments to research into rural Bolivian lynching are worth mentioning.

First, crimes that might result in lynching as punishment do not occur on a fixed schedule nor are they communicated to the outside as they occur. As a result researchers are rarely present for rural lynching events. None of the anthropologists cited in this article who write extensively on Bolivian lynching have ever seen one occur. The author was present for a near lynching by chance while conducting unrelated archaeological excavations nearby.

Second, following a Bolivian lynching there is almost always a community imposed 'code of silence', even in urban settings. Community and sub-community, often in the form of ancestral moieties, are the structural backbone of rural Indigenous highland life. Lynching, when seen as a community event, is protected as such. Deviance from within the community is policed from the inside. Communities will refuse to discuss lynching with law enforcement and researchers out of legitimate concern for state-level punishment or outside interference.

Third, it is likely that rural lynchings are critically under-reported. Even in urban settings, it is thought that lynchings and near-lynchings are either not reported to the authorities or are recorded inaccurately. In rural, remote, or closed communities, there is every opportunity for lynchings to not be brought to national-level authorities, especially in light of the 'code of silence' mentality. Thus what little that does trickle out about rural lynching comes from rare denunciations and, usually, the popular and hyperbolic press. In other words, existing information about rural lynching is not reliable.

These obstacles are most likely to be mitigated, not by white western scholars like the author, who just happened to be near an aborted rural lynching while conducting unrelated fieldwork, but researchers coming from within Bolivia's rural Indigenous communities. They are likely better placed to overcome resistance to discussing these actions and the underlying cultural experiences that they represent. If perceived "ancient" authenticity is an integral part of *justicia comunitaria*, scholars working from an entirely Western tradition may be unable to see beyond the structures and frameworks of Western-style justice, which is itself perhaps a fair critique of much criminological research. For those working in the global south, the call for increased investment in the development of locally produced research is a familiar one.

The possibility that lynching in the rural Andes might represent a type of punishment that cannot easily be called vigilantism leads to fascinating research questions. Is lynching tied in any way to other forms of rural Andean ritualised violence? Is the 'Inka motto' *ama sua, ama llulla, ama quella* (don't steal, don't lie, don't be lazy), often quoted and now enshrined in the 2009 constitution, either the source or a manifestation of the cultural acceptance of lethal punishment for theft? Is there evidence for lynching as punishment in rural Bolivia in the distant and recent past and where might information about this exist? How do rural Bolivians conceptualise lynching in relation to the national justice system? Further exploration of these questions will no doubt provide intriguing insight into how we define and describe vigilantism, capital punishment and community justice.

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#### Notes

- <sup>1</sup> In 2012, Ciudadanía conducted personal interviews with 3,029 men and women who were over 18 years of age and distributed throughout Bolivia. The margin of error at the national level was  $\pm 1.78\%$ .
- <sup>2</sup> This account was compiled from Aria Gutiérrez 2012, El Diario 2012a, and El Diario 2012b. The story is controversial and hotly contested.
- <sup>3</sup> There are dinosaur footprints and ancient rock art nearby and the centuries-old village church is considered fine, but all ventures to bring tourists to the village have failed.
- <sup>4</sup> *bruja* is not necessarily an entirely negative term.